



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 26 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aaron E. Byrne
Plant Manager
Johnson Controls Battery Group, Inc.
300 South Glengarry Drive
Geneva, Illinois 60134

Re: Johnson Controls Battery Group, Inc. Notice of Violation

Dear Mr. Byrne:

This is to advise you that the U.S. Environmental Protection Agency has determined that the Johnson Controls Battery Group, Inc. (Johnson Controls) facility at 300 South Glengarry Drive, Geneva, Illinois (facility) is in violation of the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* and the associated state or local pollution control requirements. We are today issuing to you a Notice of Violation (NOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Illinois' State Implementation Plan (Illinois SIP) requires you to take reasonably available measures to prevent volatile organic compounds, nitrogen oxides, carbon monoxide, particulate matter, and hazardous air pollutants, including lead, from emitting from the facility.

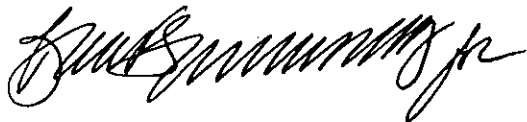
EPA finds that at the facility there are violations of Illinois SIP requirements, including construction permits and a federally enforceable state operating permit (FESOP). In violating the Illinois SIP requirements you are also violating Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Illinois SIP.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 or email him at prentice.dakota@epa.gov if you wish to request a conference. EPA hopes that this NOV will encourage Johnson Controls' compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. Czerniak", written in a cursive style.

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil
Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency

IN THE MATTER OF:

NOTICE OF VIOLATION

EPA-5-13-IL-07

1. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.

2. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP, is a requirement of the SIP, and is federally enforceable under Section 113, 42 U.S.C. § 7413.
3. 35 Illinois Administrative Code (IAC) 201.143 provides that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by paragraph (a) of this Rule 103 [Section 201.142] without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by paragraph (b)(3) of this Rule 103 [Section 201.157]) as shall be specified in the construction permit.

Illinois Environmental Protection Agency Federally Enforceable State Operating Program Permits

4. EPA promulgated approval of the Illinois Federally Enforceable State Operating Program (FESOP) program on December 17, 1992. See 57 Fed. Reg. 59928. Illinois' FESOP program became effective on February 16, 1993.

Illinois Environmental Protection Agency Construction Permits

5. EPA promulgated approval of IAC Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. See 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 IAC Part 201 into the federally enforceable SIP.

Factual Allegations

6. Johnson Controls owns and operates the Facility located at 300 South Glengarry Drive, Geneva, Illinois.
7. Johnson Controls manufactures lead-acid batteries at the Facility.
8. On December 8, 2011, the EPA conducted an inspection at the Facility.
9. On June 20, 2012, the EPA issued an information request to the Johnson Controls pursuant to Section 114 of the CAA, 42 U.S.C. § 7414 (the information request).
10. Johnson Controls provided a response to the information request on August 31, 2012.
11. The Illinois Environmental Protection Agency (IEPA) issued a FESOP Permit, Application No.: 73010036, to the Facility on April 20, 2011.
 - a. Pursuant to Condition 1.c of the FESOP Permit, the permit supersedes all operating permits for the Facility.

- b. Condition 10.a of the permit contains lead emission limits for the Barton System 1 Melt Pot & Barton System 2 Melt Pot (Barton 1 and 2) emission unit.
 - c. The permit provides that Barton 1 and 2 shall not exceed lead emission limits of 0.0000401 grains/dry standard cubic foot (gr/dscf), 0.00176 pounds/hour (lbs/hr), and 0.00769 tons/year (tons/yr).
- 12. The IEPA issued a Construction Permit, Application No.:10040007, to the Facility on August 26, 2010.
 - a. The purpose of this permit was to allow the construction of the emission source, Chemset Chamber 9 and to modify the air pollution control equipment associated with Barton 1 and 2.
 - b. Condition 1.e of the permit states that Chemset Chamber 9 and the Barton System lead pots may be operated for a period of 180 days after initial startup under this Construction Permit.
 - c. Condition 9.b of permit contains lead emission limits for Barton 1 and 2.
 - d. The permit provides that Barton 1 and 2 has lead emission limits of 0.00176 lbs/hr and 0.00769 tons/yr.
- 13. The IEPA issued a Construction Permit, Application No.:10110009, to the Facility on January 27, 2011.
 - a. The purpose of this permit was to allow the construction of the emission source, Chemset Chamber 10.
 - b. Condition 1.d of the permit states that Chemset Chamber 10 may be operated for a period of 180 days after initial startup under this Construction Permit.
- 14. The IEPA issued a Construction Permit, Application No.:11030029, to the Facility on November 15, 2011.
 - a. The permit allowed for the installation of Chemset Chamber 10 and modifications associated with air pollution control equipment.
 - b. Condition 1.d of the permit states that Chemset Chamber 10 may be operated for a period of 180 days after initial startup under this Construction Permit.
 - c. Condition 1.d of the permit contains a typographical error in referencing the modifications associated with the Construction Permit issued on January 27, 2011, rather than the modifications included in this permit.
- 15. Johnson Controls performed a stack test at the Facility in October 2011.

- a. The stack test included those new emission units and Facility modifications from the Construction Permits issued on August 26, 2010, January 27, 2011, and July 20, 2011 (revised November 15, 2011).
 - b. The test identified a lead emission rate of 0.000045 gr/dscf and 0.0034 pounds/hour at Barton 1 and 2.
16. Johnson Controls submitted a letter to IEPA, dated August 30, 2012, stating that the Facility operated with lead emissions exceeding permitted limits from the October 12, 2011 stack test until August 24, 2012 at Barton 1 and 2.
 17. Johnson Controls did not provide any information related to incorporating the Construction Permits issued on August 26, 2010, January 27, 2011, and November 15, 2011 into an operating permit within 180 days of initial startup.

Explanation of Violations

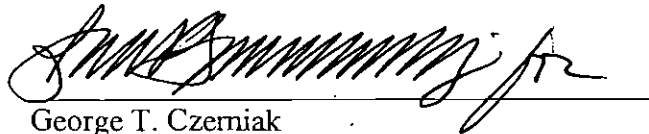
18. Johnson Controls has violated FESOP Permit (dated April 20, 2011) Condition 10.a for the emission rate of lead at Barton 1 and 2 from at least October 12, 2011 through August 24, 2012.
19. Johnson Controls has violated Construction Permit (dated August 26, 2010) Condition 9.b for the emission rate of lead at Barton 1 and 2 from at least October 12, 2011 through August 24, 2012.
20. Johnson Controls has violated 35 IAC 201.143 by failing to obtain (or submit an application for) an operating permit that incorporates the modifications and/or improvements included in the Construction Permits issued on August 26, 2010, January 27, 2011, and November 15, 2011 within 180 days of initial startup.

Environmental Impact of Violations

21. The violations cited above demonstrate elevated emissions of lead.
- a. Lead: Once lead enters the body it distributes through blood and is accumulated in the bones. Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Lead exposure also affects the oxygen carrying capacity of the blood. The most common lead effects currently are neurological effects in children and cardiovascular effects (e.g., high blood pressure and heart disease) in adults. Infants and young children are especially sensitive to lead, which may contribute to behavioral problems, learning deficits and lowered IQ.

3/26/13

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

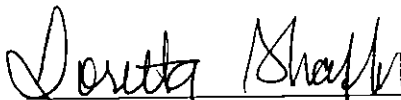
I, Loretta Shafer, certify that I sent a Notice of Violation, No. EPA-5-13-IL-07, by Certified Mail, Return Receipt Requested, to:

Aaron E. Byrne
Plant Manager
Johnson Controls Battery Group, Inc.
300 South Glengarry Drive
Geneva, Illinois 60134

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Ray Pilapil
Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 26 day of March 2013.



Loretta Shafer, Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 1354